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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,038	04/24/2006	Hiroaki Masuyama	2006_0607A	9098

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WASHINGTON, DC 20006-1021

EXAMINER
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BAIRD, EDWARD J

ART UNIT	PAPER NUMBER
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3693

MAIL DATE	DELIVERY MODE
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09/23/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/577,038	<b>Applicant(s)</b> MASUYAMA ET AL.	
	<b>Examiner</b> Ed Baird	<b>Art Unit</b> 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-64 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Acknowledgments***

1. Applicant's response received on 2 July 2008 is acknowledged.
2. In light of Applicant's arguments in the response noted above, the restriction mailed on 2 April, 2008 is hereby withdrawn. Because this application is a national stage application under 35 U.S.C. § 371, unity of invention must be met.

### ***REQUIREMENT FOR UNITY OF INVENTION***

3. As provided in 37 C.F.R. §1.475(a), a national stage application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention"). Where a group of inventions is claimed in a national stage application, the requirement of unity of invention shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.
4. The determination whether a group of inventions is so linked as to form a single general inventive concept shall be made without regard to whether the inventions are claimed in separate claims or as alternatives within a single claim. See 37 C.F.R. §1.475(e).
5. As provided in 37 C.F.R. §1.475(b), a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories:
  - (1) A product and a process specially adapted for the manufacture of said product; or
  - (2) A product and process of use of said product; or

(3)A product, a process specially adapted for the manufacture of the said product, and a use of the said product; or

(4)A process and an apparatus or means specifically designed for carrying out the said process; or

(5)A product, a process specially adapted for the manufacture of the said product, and an apparatus or means specifically designed for carrying out the said process.

Otherwise, unity of invention might not be present. See 37 C.F.R. §1.475(c).

### ***Restrictions***

6. Restriction is required under 35 U.S.C. §121 and §372.
7. This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.
8. In accordance with 37 C.F.R. §1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.
  - I. Claims 1, 2, and 4, drawn to a device for acquiring an operating profit, classified in class 705, subclass 35.
  - II. Claims 3 and 5, drawn to a device for acquiring a sales profit, classified in class 705, subclass 35.
  - III. Claims 6 - 18, drawn to a device for acquiring total assets, classified in class 705, subclass 35.
  - IV. Claims 19 - 24, drawn to a device for acquiring a rate of change in value, classified in class 705, subclass 30.
  - V. Claims 25 and 26, drawn to a device for acquiring expected enterprise value profit, classified in class 705, subclass 35.

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VI. Claims 27 and 28, drawn to a device for acquiring fixed liabilities, classified in class 705, subclass 35.

VII. Claims 29 - 32, drawn to a device for acquiring R&D cost of a specified enterprise from a management-finance database, classified in class 707, subclass 100.

VIII. Claims 33 - 50, drawn to a program for management-finance information acquisition from a management-finance database for calculating earnings on an intellectual asset, classified in class 707, subclass 100.

IX. Claims 51 - 56, drawn to a program for management-finance information acquisition from a management-finance database for total factor productivity calculation, classified in class 707, subclass 100.

X. Claims 57 - 60, drawn to a program for management-finance information acquisition from a management-finance database for expected intellectual property profit, classified in class 707, subclass 100.

XI. Claims 61 - 64, drawn to a program for management-finance information acquisition from a management-finance database with a gazette acquisition means, classified in class 707, subclass 100.

9. The groups of inventions listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

10. Inventions I - XI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and they lack the same corresponding special technical feature. In the instant case:

11. Invention I has separate utility such as a device for acquiring an operating profit.

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12. Invention II has separate utility such as a device for acquiring a sales profit.
13. Invention III has separate utility such as a device for acquiring total assets.
14. Invention IV has separate utility such as a device for acquiring a rate of change in value.
15. Invention V has separate utility such as a device for acquiring expected enterprise value profit.
16. Invention VI has separate utility such as a device for acquiring fixed liabilities.
17. Invention VII has separate utility such as a device for acquiring R&D cost of a specified enterprise from a management-finance database.
18. Invention VIII has separate utility such as a program for management-finance information acquisition from a management-finance database for calculating earnings on an intellectual asset.
19. Invention IX has separate utility such as a program for management-finance information acquisition from a management-finance database for total factor productivity calculation.
20. Invention X has separate utility such as a program for management-finance information acquisition from a management-finance database for expected intellectual property profit.
21. Invention XI has separate utility such as a program for management-finance information acquisition from a management-finance database with a gazette acquisition means.

*See MPEP § 806.05(d).*

22. Applicant is advised that the reply to this requirement to be complete must include an election of an invention to be examined even though the requirement may be traversed (37 C.F.R. §1.143).
23. The election of an invention may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically

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point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

***Conclusion***

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ed Baird whose telephone number is (571)270-3330.

The Examiner can normally be reached on Monday - Thursday 7:30 am - 5:00 pm Eastern Time.

25. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Jay Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

26. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ed Baird/  
Examiner, Art Unit 3693  
571-270-3330

/ANDREW J. FISCHER/  
Supervisory Patent Examiner, Art Unit 3621